

This proceeding was initiated on or about August 13, 2002, when the United States Environmental Protection Agency, Region VII ("Complainant" or "EPA") issued a Complaint, Compliance Order and Notice of Opportunity for Hearing ("Complaint") to American Airlines, Inc.'s Maintenance and Engineering Base ("American Airlines" or "Respondent"). Pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984 (hereinafter known as RCRA), Title 42 United States Code (U.S.C.), Section 6901 et seq., the Complainant sought civil penalties for alleged violations of 40 Code of Federal Regulations (C.F.R.), Sections 40 C.F.R. § 262.11, as incorporated by reference at 10 C.S.R. 25-5.262(1); 40 C.F.R. § 262.12(c), as incorporated by reference at 10 C.S.R. 25-5.262, and 10 C.S.R. 25-5.262(2)(A); 10 C.S.R. 25-5.262(2)(B), and the regulations contained at 40 C.F.R. § 262.20 (subpart B); and Section 3005 of RCRA and RSMo § 260.390(1).

The Complainant and Respondent subsequently entered into negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order (CAFO) is the result of such negotiations and resolves all issues relating to the administrative claims arising from the allegations in the Complaint.

II. CONSENT AGREEMENT

1. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms of the Final Order. The terms of this Consent Agreement and the Final Order shall not be modified except by a subsequent written agreement between the parties.

2. Respondent admits the jurisdictional allegations of the Complaint and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order set forth below.

3. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in the Complaint.

4. Respondent waives its right to further contest the factual allegations and legal conclusions set forth in the Complaint in this or subsequent proceedings to enforce the terms of this Consent Agreement and Final Order, and agrees not to appeal the Final Order set forth below.

5. Respondent explicitly waives its right to a hearing on any issue of fact or law set forth in EPA's Complaint.

6. Respondent and EPA each agree to bear their own costs and attorneys' fees.

7. Respondent agrees that, in settlement of the claims alleged in the Complaint, Respondent shall pay a civil penalty of \$38,013.00 as set forth in Paragraph 1 of the Final Order.

8. This Consent Agreement and Final Order shall be effective upon entry of the Final Order by the Regional Judicial Officer for EPA Region VII. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

9. This Consent Agreement and the Final Order shall remain in full force and effect until Complainant's representative identified in Paragraph 7 of the Final Order provides Respondent with written notice, in accordance with Paragraph 17 of the Final Order, that all requirements hereunder have been satisfied.

10. Each signatory of this Consent Agreement and Final Order certifies he or she is fully authorized to enter into the terms of the Consent Agreement and Final Order.

III. FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and according to the terms of the Consent Agreement set forth above, IT IS HEREBY ORDERED THAT:

A. Payment of Civil Penalty

1. Within thirty (30) days of the effective date of this Final Order, Respondent shall pay a mitigated civil penalty of \$38,013.00.

2. Payment of the penalty shall be by cashier or certified check made payable to "Treasurer of the United States" and remitted to:

Regional Hearing Clerk
United States Environmental Protection Agency
Region VII
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

The Respondent shall reference the Docket Number, RCRA-07-2002-0194, on the check. A copy of the check shall also be mailed to:

Belinda L. Holmes
Senior Assistant Regional Counsel
Office of Regional Counsel
Region VII
901 N. 5th Street
Kansas City, KS 66101

3. Failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the rate of five percent (5%) per annum.

4. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

B. Compliance Actions

Respondent shall take the following actions within the specified time periods, and according to the terms and conditions, specified below:

5. Immediately upon the effective date of this Final Order, Respondent shall continue handling its vacuum debris generated from plane refurbishing operations as a hazardous waste and shall dispose of such waste in a manner consistent with RCRA. Within thirty (30) days of the effective date of this Final Order, Respondent shall provide EPA and the Missouri

Department of Natural Resources ("MDNR") with documentation which demonstrates that Respondent is properly disposing of its vacuum debris. Such documentation shall be provided to Mr. Stephen Pollard and Ms. Kathy Flippin at the addresses given in paragraph 7 below and shall consist of manifests, bills of lading, LDR notices, and any other associated documents showing that such material has been properly disposed, beginning with the first off-site shipment of vacuum debris following EPA's January, 2002 inspection. Thereafter, Respondent shall provide EPA and MDNR with such documentation every thirty (30) days until a total of ninety (90) days of additional documentation has been submitted.

6. Within forty-five (45) days of the effective date of this Final Order, the Respondent shall submit documentation to EPA and MDNR, in accordance with paragraph 7 below, demonstrating that an accurate hazardous waste determination has been performed for each solid waste stream generated at Respondent's facility. This documentation will include, but is not limited to, the following information:

- a) A description of the waste stream which includes a detailed description of the process or processes that generated the waste;
- b) A determination of whether or not the waste has been excluded from regulation under 40 CFR Part 261.4;
- c) A determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261; and
- d) A determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using one

of the methods found in Subpart C of Part 261, or by applying knowledge of the waste characteristics based upon the material or processes used. Any laboratory analyses used to make this determination must be provided to EPA.

7. Respondent shall submit all documents and other correspondence required to be submitted to EPA by this Final Order to:

Stephen Pollard
Air, RCRA and Toxics Division
U.S. Environmental Protection Agency
Region VII
901 North Fifth Street
Kansas City, KS 66101

Documents to be submitted to MDNR shall be addressed to:

Kathy Flippin
Missouri Department of Natural Resources
P.O. Box 176
Jefferson, City, MO 65102

8. EPA shall submit any notices or correspondence related to this Consent Agreement and Final Order to:

Joan Krajewski, Esq.
Senior Attorney
American Airlines
4333 Amon Carter Boulevard, MD 5675
Fort Worth, TX 76155

With a copy to:

Fred Augustine
Manager, Environmental Engineering
American Airlines Maintenance and Engineering Base
9200 N.W. 112th Street
Kansas City, MO 64153

9. The EPA will review the documentation provided by Respondent pursuant to paragraphs 5 and 6 of this Final Order, and will notify Respondent in writing of any deficiencies in the submission. Within thirty (30) days of receipt of EPA's comments pertaining to any submission, or within such longer time as the Parties may agree, Respondent shall amend/revise the disapproved submission, addressing all of EPA's comments, and resubmit same to EPA.

C. Parties Bound

10. This Final Order shall apply to and be binding upon EPA and Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

D. Reservation of Rights

11. This Consent Agreement and Final Order addresses all administrative matters alleged in EPA's August 13, 2002 Complaint, Docket No. RCRA-07-2002-0194. EPA reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

12. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms of the Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties

against Respondent in an amount not to exceed twenty-seven thousand five hundred dollars (\$27,500) per day per violation pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law.

13. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this Consent Agreement and Final Order.

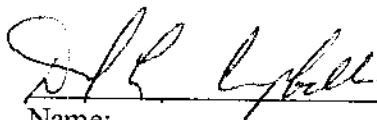
14. Except as expressly provided herein, including the provisions of Section C. (Parties Bound) of this Consent Agreement and Final Order, nothing in this Consent Agreement and Final Order shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants or contaminants found at, taken to, or taken from Respondent's facility.

15. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

16. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

17. The provisions of this Consent Agreement and Final Order shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

For the Respondent:

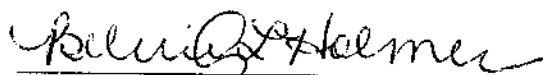

Name:

Feb 18, 2003
Date

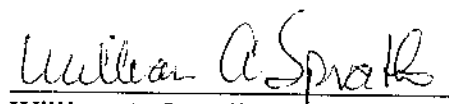
Printed Name: D. L. Campbell

Title: H. P. Maintenance MCE

For the Complainant:

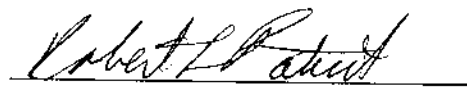

Belinda L. Holmes
Senior Assistant Regional Counsel
U.S. EPA, Region VII

2/25/03
Date


William A. Spratlin
Director
Air, RCRA and Toxics Division

2/27/03
Date

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional Judicial Officer.


Robert Patrick
Regional Judicial Officer

February 28, 2003
Date

IN THE MATTER OF American Airlines, Maintenance and Engineering Base, Respondent
Docket No. RCRA-07-2002-0194

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Belinda Holmes
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy hand delivered to:

Stephen Pollard
Air, RCRA and Toxics Division
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Joan Krajewski
Senior Attorney
American Airlines
4333 Amon Carter Boulevard, MD 5675
Fort Worth, TX 76155

Kathy Flippin
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

and

Copy by First Class Pouch Mail to:

The Honorable Thomas W. Hoya
Administrative Law Judge
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W./Mail Code 1900L
Washington, D. C. 20460

Dated: 2/28/3

Kathy Robinson by Abby White
Kathy Robinson
Regional Hearing Clerk